

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 09-CR-131

IVY TUCKER,

Defendant.

DECISION AND ORDER

Defendant Ivy Tucker (“Tucker”) motions this Court for a new trial pursuant to Fed. R. Crim. P. 33. Because Tucker’s motion was not timely filed it must be dismissed.

Rule 33(b)(2) provides that “[a]ny motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty.”

Tucker’s motion is based not on “newly discovered evidence” but on facts that are “other than newly discovered evidence.” Accordingly the motion is dismissed.

IT IS HEREBY ORDERED THAT:

Tucker's motion for a new trial (ECF No. 630) is DISMISSED.

Dated at Milwaukee, Wisconsin, this 9th day of September, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge